

**Monte J. White & Associates, P.C.**

1106 Brook Ave.

Wichita Falls, TX 76301

Phone: (940) 723-0099

Bar Number: 00785232

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

IN RE:

(H) **Russell Wayne Henry**(W) **Cynthia Gail Henry**

Debtor(s)

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CASE NO:

FOR CLERK'S USE ONLY

**DEBTOR'S PRELIMINARY CHAPTER 13 PLAN**DATED: **1/5/2004**.

<b>TRUSTEE'S NOTES:</b>		Date Case Filed	
		Type of Payment 1=Annual, 2=Semi-Annual 4=Quarterly, 12=Monthly	<b>12</b>
		First Payment Due	<b>2/19/2004</b>
H&W Monthly Take Home Pay	<b>\$3,429.84</b>	Periodic Payment Amount	<b>\$1,050.00</b>
Less Expenses	<b>\$2,379.84</b>	Number of Plan Payments	<b>60 months</b>
Equals Surplus	<b>\$1,050.00</b>	Equals Base Plan Amount	<b>\$63,000.00</b>
		Calculated Amount	<b>\$63,000.00</b>
Total Debtor Attorney Fees	<b>\$2,000.00</b>	Noticing Fees: # of Notices X 1 The Trustee shall be allowed to collect noticing fees from the first distribution to creditors.	
Attorney Fees paid by Trustee (Gross amount paid including interest, if any)	<b>\$1,825.00</b>		
Total Filing Fees of <u>\$194.00</u> with	<b>\$0.00</b>	Rate	<b>\$1.05</b>
	paid by Trustee	Total Noticing Fees	<b>\$32.55</b>

**HOME MORTGAGE:**Regular mortgage payments on all liens to be paid "Direct" by Debtor beginning on **N/A**.

Arrearages are to be paid by the Trustee as follows:

Lien Holder	Total Arrearage	Through MM/DD/YY	Interest Rate	Payment Term	# of Payments	Periodic Payment Amount
<b>(None)</b>						

**SECURED CREDITORS:**

Name	Description of Collateral	Scheduled Amount	Value of Collateral	Annual Int. Rate	Term	# of Pmts.	CD	Periodic Payment Amount
Ford Motor Credit	1997 Ford Escort	\$3,368.00	\$1,000.00	4%	1-59	59	1	\$18.68 Avg.
First Bank	Homestead	\$80,000.00	\$80,000.00	6%	N/A	N/A	0	\$830.45 (Direct)

CD..... 0 = Direct or Surrender, 1 = Paid by Trustee (Any Deficiency will automatically be bifurcated or "split" and included in the unsecured class)

\* See Pro Forma, if attached, for a detail of Pro-Rata and/or Variable payments.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas - (210) 561-5300.

(H) Russell Wayne Henry

(W) Cynthia Gail Henry

(C#)

**DEBTOR'S PRELIMINARY CHAPTER 13 PLAN**

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**EXECUTORY CONTRACTS AND UNEXPIRED LEASES:**

Creditor Name	Description of Contract	Election	In Default
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(None)

No

**PRIORITY CREDITORS:**

Name	Amount Disputed	Scheduled Amount	Annual Int. Rate	Term	# of Pmts.	Periodic Payment Amount
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Internal Revenue Service	\$0.00	\$52,306.01	0%	1-59	59	\$886.54 Avg.
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**SPECIAL CLASS UNSECURED CREDITORS:**

Name	Basis for Classification	Scheduled Amount	Annual Int. Rate	Term	# of Pmts.	Periodic Payment Amount
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**GENERAL UNSECURED CREDITORS:**

The general unsecured creditors, listed below, will receive an estimated 6% of their claims, or a pro rata share of Total Payments (Base Plan Amount) shown above, after all of the above claims are paid in full.

Name	Note	Amount
Arcadia Financial Ltd		\$100.00
Associates National Bank		\$496.12
Capital One		\$434.49
Capital One		\$560.69
Capital One		\$965.53
CCCS		\$15.00
Chevron		\$126.34
Citibank		\$1,649.12
Citibank		\$976.58
Dillards National Bank		\$1,739.72
Fina		\$467.12
Ford Credit		\$3,219.58
Ford Motor Credit	Deficiency	\$2,368.00
J C Penney		\$26.42
Jewelers National Bank/Zales		\$0.00
Lacks Furniture		\$50.00
Lowe's		\$40.00
MBNA		\$5,000.00
Mitsubishi Motors Credit of America		\$1,000.00
Providian		\$2,258.29
Sam's		\$200.00
Sears, Roebuck and Company		\$754.18
Shell		\$200.00
Target		\$203.96
Target		\$235.04
Texaco		\$0.00
Wichita Falls Teachers Federal CU		\$2,000.00
Zales Jewelry		\$200.00

Total Unsecured Debt ---> **\$25,286.18**

The total of all unsecured debt, including deficiencies is **\$25,286.18** with **\$1,437.45** paid to the unsecured creditors.

\* See Pro Forma, if attached, for a detail of Pro-Rata and/or Variable payments.

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**DEBTOR'S PRELIMINARY CHAPTER 13 PLAN**

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**COMPUTATION OF REQUIRED PLAN PAYMENTS:**

	Total Amounts	Total Payments with Interest (Gross amount to be disbursed)
Filing Fees	\$0.00	\$0.00
Noticing Fees	\$32.55	\$32.55
Debtor Attorney Fees	\$1,825.00	\$1,825.00
Home Mortgage Arrears	\$0.00	\$0.00
Secured Claims	\$1,000.00	\$1,102.25
Priority Claims	\$52,306.01	\$52,306.01
Special Class Unsecured Claims	\$0.00	\$0.00
General Unsecured Claims	\$25,286.18	\$1,437.45
<b>Totals</b>	<b>\$80,449.74</b>	<b>\$56,703.26</b>
With Zero to Unsecureds	\$61,562.55	Trustee Fees \$6,296.75
Base Plan Amount	\$63,000.00	10 % of Total Payments (less filing & noticing fees)
Available for Unsecureds	\$1,437.45	Total Payments \$63,000.01
Unsecured Percentage Computed on Base Plan Amount	6%	Total distribution + Trustee Fees + Filing & Notice Fees
		Required Periodic Payment to Achieve Unsecured Percentage \$1,050.00

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**DEBTOR'S PRELIMINARY CHAPTER 13 PLAN**

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a copy of the foregoing PRELIMINARY CHAPTER 13 PLAN was served upon the following parties of interest:

and all parties and creditors listed on the original mailing matrix and any amended mailing matrix.

DATED: 01/05/2004

/s/ Monte J White

Monte J White

**Monte J. White & Associates, P.C.**

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Wichita Falls, TX 76301

Phone: (940) 723-0099

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**AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT** DATED: **1/5/2004**

The undersigned Debtor(s) hereby request that payments received by the Trustee prior to confirmation be disbursed in accordance with Standing Order Number 93-1, as indicated below:

Periodic Payment Amount	<b>\$1,050.00</b>	
Disbursements	First (1)	Second (2) (Other)
Account Balance Reserve	\$5.00	\$0.00
Related Expense to Trustee	\$104.50	\$105.00
Filing Fees	\$0.00	\$0.00
Noticing Fees	\$32.55	\$0.00
<b>Subtotal Expenses/Fees</b>	<b>\$142.05</b>	<b>\$105.00</b>
Available for Adequate Protection, Attorney Fees and Undisputed Priority Claims from First and Second Disbursements:	<b>\$907.95</b>	<b>\$945.00</b>

**SECURED CREDITORS:**

Name	Collateral	Scheduled Amount	Value of Collateral	Adequate Protection Percentage	Adequate Protection Payment Amount
Ford Motor Credit	1997 Ford Escort	\$3,368.00	\$1,000.00	1.25%	\$12.50
Internal Revenue Service	N/A	\$52,306.01	N/A	1.25%	\$653.83

Total Adequate Protection Payments: **\$666.33**

Funds Available For Debtor's Attorney First Disbursement: **\$241.62**

Funds Available For Debtor's Attorney Future Disbursements: **\$278.67**

Estimated Number of Months to Pay all Attorney Fees: **7**

Available For Secured Creditors as Authorized Above After Debtor's Attorney Fees are Paid in Full: **\$945.00\*\***

ADEQUATE PROTECTION PAYMENTS TO SECURED CREDITORS WILL AUTOMATICALLY INCREASE TO PLAN PAYMENT AMOUNTS IF ATTORNEY'S FEES ARE PAID IN FULL OR \$1,500.00 IS PAID AND \$500.00 IS RESERVED PRIOR TO CONFIRMATION. ANY EXCESS FUNDS WILL BE PAID TO UNDISPUTED PRIORITY AND/OR SPECIAL CLASS UNSECURED CLAIMS.

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(W) Cynthia Gail Henry

(C#)

**AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT**

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☐ PROPOSED, AUTHORIZED, REQUESTED AND ACKNOWLEDGED BY DEBTORS:

☐ DEBTOR(S) DECLINE(S) AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT:

DATED: 01/05/2004

/s/ Monte J White

Attorney for Debtor(s)

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Trustee, Attorney for Trustee or Trustee's Representative